

### REMARKS

Claims 1, 3-6, 10, 11, 16, 17, 19-22, 26, 27, 32, 33, 35-38, 42, 43, and 48 are pending in the present application. Claims 1, 17, and 33 are amended. Reconsideration of the claims is respectfully requested.

#### **I. New Matter**

The Office Action objects to the amendment filed April 15, 2005, because it allegedly introduced new matter into the disclosure. Claims 1, 17, and 33 are amended to recite receiving requested content for a requesting user. Therefore, Applicants respectfully request withdrawal of the objection to the amendment.

#### **II. 35 U.S.C. § 103. Alleged Obviousness**

The Final Office Action rejects claims 1, 3-6, 10, 11, 16, 17, 19-22, 26, 27, 23, 33, 35-38, 42, 43, and 48 under 35 U.S.C. § 103 as being unpatentable over *Hoffberg* (U.S. Patent No. 6,850,252) in view of *Jensen et al.* (U.S. Patent No. 6,459,809). This rejection is respectfully traversed.

*Hoffberg* teaches an intelligent electronic appliance. A media metadata processing system analyzes media content to understand the content and generate content-descriptive metadata. See *Hoffberg*, Abstract. The Final Office Action alleges that *Hoffberg* teaches analyzing requested content to identify an amount of objectionable content at col. 143, line 47, through col. 144, line 3, which states:

In a further embodiment of the present invention, it is an object to provide a device for identifying a program in response to user preference data and program control information concerning available programs, comprising means for gathering the user preference data; means, connected to the gathering means, for storing the gathered user preference data; means for accessing the program control information; and means, connected to the storing means and accessing means, for identifying one or more programs based on a correspondence between a user's programming preferences and the program control information. For example, the identifying means identifies a plurality of programs, a sequence of identifications transmitted to the user being based on a degree of correspondence between a user's programming preferences and the

respective program control information of the identified program. The device may selectively record or display the program, or identify the program for the user, who may then define the appropriate action by the device. Therefore, a user may, instead of defining "like" preferences, may define "dislike" preference, which are then used to avoid or filter certain content. Thus, this feature may be used for censoring or parental screening, or merely to avoid unwanted content. Thus, the device comprises a user interface adapted to allow interaction between the user and the device for response to one or more of the identified programs. The device also preferably comprises means for gathering the user specific data comprises means for monitoring a response of the user to identified programs.

*Hoffberg* does indeed teach analyzing content based on a user's likes and dislikes. *Hoffberg* also teaches that media content may be correlated based on a predetermined category of media data, such as through an electronic program guide. See *Hoffberg*, col. 222, line 65, to col. 223, line 11. The categories of media data are predetermined and are only used to correlate the media.

The Final Office Action acknowledges that *Hoffberg* does not teach storing the requested content in an objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold. However, the Final Office Action alleges that *Jensen* teaches this feature because *Jensen* teaches a dictionary of archetypes.

*Jensen* teaches searching and filtering content streams using contour transformations. The system and methods of *Jensen* analyze an area of interest and assign a semantic value. With regard to a semantic value, *Jensen* states:

The semantic value(s) provided by contour transformations are used to position the data set area within a dictionary of archetypes. These archetypal semantic values may have textual or database labels such as "nose", "Upper-Case A", or "snail", assigned to them. Semantic values which characterize one or more archetypes are compared with the semantic values derived from the new data set, to assign the data set to an archetype. If none of the archetypes fit the new data set within specified tolerances, a new archetype may be created with assistance from the user.

*Jensen*, col. 2, lines 53-62. Thus, a semantic value is used only to categorize an area of interest as an archetype. Semantic values are used to build a dictionary of archetypes. *Jensen* states:

During the storing step 506, the semantic value produced by the contour transformation and/or associated information is stored within a dictionary of archetypes. This may involve comparing the new semantic value with semantic values for

archetypes previously stored in the dictionary. For instance, if the semantic value is in a range or region of values belonging to an existing archetype ("noses" or "starfish", for instance) then the corresponding data set content object (or its address) might be added as one more example of that archetype. If the semantic value is more than a predetermined distance from any existing archetype's semantic value(s) then a new archetype could be added.

Archetype signals are discussed in connection with FIG. 7, but in general they may include one or more semantic values obtained from contour transformations plus a copy of the content object (or a pointer to it); an archetype may also contain a textual description or a list of keywords. The present invention can be used in a process which categorizes content and associates keywords with the content to permit subsequent searches using conventional text-based search engines, conventional relational or hierarchical databases, directory services such as Novell's NDS, or the like.

*Jensen*, col. 9, line 62, to col. 10, line 16. *Jensen* also teaches that some archetypes may be blocked or rerouted. *Jensen* states:

During the blocking or removing step 508, the semantic value produced by the contour transformation is used to block or reroute at least a portion of a digital data set. The portion may be an individual file, a record in a database, or an entire digital data set, for instance. This step 508 may use a dictionary of archetypes if several objectionable content objects, or several objectionable combinations of individually innocuous objects or features, are to be blocked or rerouted. For instance, a dictionary of archetypes could be used to identify sexually explicit images. However, in some embodiments a complex dictionary is not needed, because only the semantic values themselves and a fixed set of prohibited values are used. If the semantic value for a given portion of the content stream falls within the fixed set of prohibited semantic values, then that portion of the content is blocked or rerouted in a predefined manner. Conventional tools and techniques for preventing further transmission of data and/or rerouting data may be used.

*Jensen*, col. 10, lines 17-34. Thus, Semantic values are not a score used to quantify an amount of objectionable content. A contour either has a semantic value belonging to an archetype associated with objectionable content or it does not. If the contour or area of interest has a semantic value belonging to an archetype that is to be blocked, then it is blocked.

In contradistinction, the present invention provides a method, apparatus, and computer program product for identifying objectionable content based on an amount of objectionable

content, as compared to a plurality of thresholds. A user profile includes parameters for identifying objectionable content and a plurality of thresholds for a plurality of categories of objectionable content. Content requested by the user is then analyzed using the parameters to identify an amount of objectionable content. A score is determined for each category. If a score for a category is above the threshold for that category, then the objectionable content is stored in an objectionable content data structure.

Neither reference teaches or suggests a plurality of thresholds for a plurality of categories of objectionable content. At best, *Hoffberg* teaches categories of media data. However, *Hoffberg* makes no mention whatsoever of a plurality of categories of objectionable content and a corresponding plurality of thresholds. The Final Office Action is silent as to this feature. Therefore, the Final Office Action fails to establish a *prima facie* case of obviousness, because the Final Office Action does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

With respect to filtering objectionable content, *Hoffberg* states:

In the event that alternate material is unavailable, or the scene is critical to the performance, or information is unavailable, or otherwise, the content analysis aspects of the present invention may be employed to "censor" the content. For example, a "nudity" detector may be employed to monitor broadcasts for visual depictions of nudity, which would then be eliminated, and replaced with blurs or otherwise obscured. The semantic content (audio or textual) may also be monitored for profane language and eliminated. (This same type of semantic content analyzer may also provide language translation functionality, using a speech recognition system, with either a close caption translation or synthetic speech translation). In the case of less discrete objectionable content, such as violence or adult themes, such discrete censorship would be less effective. However, using artificial intelligence and/or metadata streams (including but not limited to EPG, MPEG 7, V-chip ratings, or the like) the system may be able to block presentation on a less granular basis. The system may also provide a reporting system, wherein the controlling entity may define processing rules for common circumstances, either prospectively in the abstract or based on actual events stored in a buffer. Thus, the system may learn desired strategies for handling content issues, without requiring predefined deterministic algorithms.

*Hoffberg*, col. 223, line 66, to col. 224, line 22. Thus, *Hoffberg* does indeed teach censoring

content if nudity or other objectionable content can be detected. However, *Hoffberg* teaches an all-or-nothing approach to censoring objectionable content. There is no teaching in *Hoffberg* of a plurality of thresholds for a plurality of categories of objectionable content.

Also, *Hoffberg* does indeed teach a composite score, as acknowledged in the Final Office Action. However, this actually teaches away from the presently claimed invention, because the analysis of *Hoffberg* results in a single score, rather than analyzing content based on a plurality of thresholds. The single composite score of *Hoffberg* leads to the all-or-nothing approach, which is not equivalent to the presently claimed invention. That is, *Hoffberg* does not allow for a high low threshold for nudity and a high threshold for violence, for example.

Furthermore, *Jensen* also fails to teach the limitations of the present invention. For example, *Jensen* does not teach or suggest determining a score for requested content for each of a plurality of categories of objectionable content. *Jensen* makes no mention of a score. In fact, the word "score" does not even appear in the reference. The semantic value is not a score that is compared to a threshold, as in the presently claimed invention. Rather, the semantic value of *Jensen* is analogous to a fingerprint, a piece of data that is used to identify something. The semantic value of *Jensen* is not indicative of an amount of objectionable content, as recited in claim 1, for example.

The applied references do not teach or suggest each and every claim limitation; therefore, *Hoffberg* and *Jensen*, taken alone or in combination, do not render claim 1 obvious, for example. Independent claims 17 and 33 recite subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 3-6, 10, 11, 16, 19-22, 26, 27, 32, 35-38, 42, 43, and 48 depend from claims 1, 17, and 33, the same distinctions between *Hoffberg* and *Jensen* and the invention recited in claims 1, 17, and 33 apply for these claims. Additionally, claims 3-6, 10, 11, 16, 19-22, 26, 27, 32, 35-38, 42, 43, and 48 recite other additional combinations of features not suggested by the references.

More particularly, claims 16, 32, and 48, which depend from claims 3, 19, and 35, respectively, recite determining a new value for the at least one predetermined threshold using one of an algorithm, a function, an inference engine, a neural network, an expert system, or an intelligent computing system. The Office Action alleges that *Hoffberg* and *Jensen* teach this feature. However, *Hoffberg* and *Jensen* fail to teach a plurality of thresholds for a plurality of categories of objectionable content. Therefore, *Hoffberg* and *Jensen* cannot teach the further

limitation of determining a new value for at least one of the plurality of thresholds. Claims 11, 27, and 43 are allowable for similar reasons.

With respect to claims 10, 26, and 42, the Office Action alleges that *Jensen* teaches thresholds being dynamically adjustable because *Jensen* teaches that archetypes may be updated at col. 11, lines 56-57. Applicants respectfully disagree. Simply stated, an archetype is not a threshold that is compared to a score that is indicative of an amount of objectionable content, as recited in the instant claims. The applied reference clearly fails to teach or suggest all limitations of instant claims; therefore, *Hoffberg* and *Jensen* do not render claims 10, 26, and 42 obvious.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 1, 3-6, 10, 11, 16, 17, 19-22, 26, 27, 32, 33, 35-38, 42, 43, and 48 under 35 U.S.C. § 103(a).

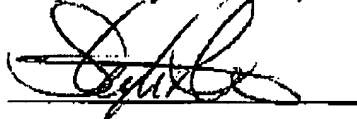
### III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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